

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

CHRISTOPHER PAUL CONLIN,)
PLAINTIFF,)
V.)
FORD MOTOR COMPANY,)
DEFENDANT.)

COMPLAINT

Civil No.

04-40242 FDS

RECEIPT # 404454
AMOUNT \$ 150.00
SUMMONS ISSUED With + blank 5ms Sent
LOCAL RULE 4.1 ✓
WAIVER FORM ✓
MCF ISSUED ✓
BY DPTY. CLK. S Jones
DATE 11/19/04

- 1.) The Plaintiff is a resident of Fitchburg, Massachusetts, Northern Worcester County, Massachusetts and a Citizen of the United States.
- 2.) The Defendant Is a corporation In Dearborn Michigan. Ford Motor Corporation is a business in the United States.

Jurisdiction

This court has jurisdiction over this matter pursuant to 28 USCS 1332.

Facts

On September 1, 2004 the Plaintiff purchased from the defendant a brand new Ford F-350 Super Duty Crew Cab Turbo Diesel pick up truck. The Plaintiff asserts he tendered unto the Defendant an amount in the sum of thirty six thousand four hundred eleven dollars, \$36,411.00 see exhibit # 22.

(2)

Some time after the truck was driven home the Plaintiff began to experience various operating problems with the vehicle. The Plaintiff seeks relief through this court for "Motor Vehicle Product Liability" under category III. The Plaintiff lists seven counts under which relief may granted.

Count 1

1.) While driving the truck a week after the purchase price was payed the Plaintiff noticed the brake pedal seemed sluggish and spongy. Upon further inspection of the brake fluid reservoir the Plaintiff discovered the reservoir was low. See Exhibit "A." The two black marks indicate the level the Plaintiff re-filled the reservoir and then where the level was after. Showing no doubt the system was leaking even after the vehicle was serviced for a leaking brake booster. Again the brake system was still leaking. Here again the Plaintiff draws the courts attention to Exhibit "B," upon another separate inspection by the Plaintiff, he noticed leaking brake fluid dripping down the inside frame rail of the left front tire wheel well, so bad was the leak the brake fluid removed all the paint on the inner frame and seeped into the wire harness and other body parts on the inside of the frame. Further it appears the brake fluid was leaking for some time allowing the fluid to further leak into the various under body parts of the truck.

Count 2

2.) Upon continuing a further inspection of the vehicle the Plaintiff noticed the positive battery cables from the battery mounted on top of the heat exchange manifold for the diesel engines turbo charger. Please see exhibit "C." This cable carries high voltage electricity . If it melts it can start an engine fire under the hood and probably cause death because of its close proximity to various fuel filters for the diesel engine.

(3)

Count 3

3.) In this count the Plaintiff draws the courts attention to exhibit "D." In this area of the engine compartment the Plaintiff noticed and continues to notice an acrid smell of burnt rubber. Please note the "X" so marked in the lower right of exhibit "D." This signifying the origin of the "burnt Rubber smell." Upon further inspection the Plaintiff noticed a positive battery cable run near the air intake, this cable seems short and not properly placed.

Count 4

4.) While continuing to check the vehicle for other problems the Plaintiff noticed on the right rear door a discolored door handle. Please see exhibit "E."

Count 5

5.) Upon continuing his inspection of the truck the Plaintiff noticed the underside of the hood is missing the insulation blanket used to absorb the excessive heat from the diesel engine. Please see exhibit "F." Plaintiff asserts that Ford Motor Company did not properly shield the hood from the engine area their by creating an unsafe and hazardous area and possible fire hazard as well.

Count 6

6.) Plaintiff draws the courts attention to Exhibit G. In this exhibit Plaintiff notices a white substance material that is apparently glued or affixed to the vehicle.

Page (4)

Count 7

- 7.) In this count the Plaintiff draws the courts attention to the fact that aside from the other problems the truck vibrates at various speeds near the left front end of the truck. Further the truck is hard to start at times. It takes longer cranks to turn the truck over.
- 8.) Wherefore the Plaintiff asks for trial by jury on all matters before this court and to award him two hundred and fifty thousand dollars in damages and any other relief they court may deem proper and just.

Christopher Paul Conlin
Signature Christopher Paul Conlin

Name Christopher Paul Conlin

Address 3 Lynn Street
Fitchburg, Ma 01420

Cell # (603)-520-2367
Home & Fax (978)-343-3945



Remitter CHRISTOPHER LONLIN

252162072

23-87
1020

JUL 30, 04

Date

81949

PAY

TO THE ORDER OF ***34,000 DOLLARS AND 00 CENTS*** 22

CHRISTOPHER LONLIN
Fleet Bank
Bank One, NA, Denver, Colorado

Issued By Integrated Payment Systems Inc., Englewood, Colorado
Bank One, NA, Denver, Colorado

NON NEGOTIABLE
0026.FP CUSTOMER COPY
OFFICIAL CHECK
07755 B. 156 81949 Fitchburg

Drawer: Fleet Bank

DISTRIBUTED TO:

0026.FP

CUSTOMER COPY

OFFICIAL CHECK

07755 B. 156 81949 Fitchburg

Exhibit 11
22

PERSONAL
MONEY ORDER

228349018

22-401021



Memo

for Ford truck

AUG 03, 04

NOT VALID OVER \$1000

Date

81949
PAY
TO THE ORDER OF

Gervais Ford

NOTE: THE PURCHASER OF THIS MONEY ORDER AGREES TO INSERT IN INK, THE PAYEE'S NAME AND ADDRESS, AND ASSUMES ALL RESPONSIBILITY FOR ~~*****~~410.94 EVENTS MADE POSSIBLE BY FAILURE TO DO SO.

~~***410* DOLLARS* AND *94*CENTS*~~

NON NEGOTIABLE

Christopher Davis

SIGNATURE

CUSTOMER COPY

STREET ADDRESS

CITY STATE ZIP

JACOBB NH 03076

RETAIN THIS COPY FOR YOUR RECORDS



4024-2-FDS Document

Remitter CHRISTOPHER LONLIN

STP 41, 04

Date _____

61349

PAY

TO THE ORDER OF

— Gervais Fornier —

Issued By Integrated Payment Systems Inc., Englewood, Colorado
Bank One, NA, Denver, Colorado

~~\$1,500.00~~

Drawer: Fleet Bank

04-40242
CIVIL COVER SHEET

ATTACHMENT #2

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Christopher Paul Conlin
3 Lynn Street
Fitchburg, Massachusetts 01420

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Northern Worcester County
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

FORD MOTOR COMPANY 3:22
THE AMERICAN ROAD
DEARBORN, MICHIGAN 48121

U.S. DISTRICT COURT
DISTRICT OF MASS.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER):

ATTORNEYS (IF KNOWN):

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF	DEF	PTF	DEF		
Citizen of This State	<input checked="" type="checkbox"/> X	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> XXX
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

Transferred from
 5 another district (specify)

6 Multidistrict Litigation

Appeal to District Judge from
 7 Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)**CONTRACT**

- 110 Insurance
- 120 Marine
- 130 Miller Act
- 140 Negotiable Instrument
- 150 Recovery of Overpayment & Enforcement of Judgment
- 151 Medicare Act
- 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- 153 Recovery of Overpayment of Veteran's Benefits
- 154 Stockholders' Suits
- 155 Other Contract
- 156 Computer Product Liability

- 210 Airplane
- 215 Airplane Product Liability
- 230 Assault, Libel & Slander
- 235 Federal Employees' Liability
- 240 Marine
- 245 Marine Product Liability
- 250 Motor Vehicle
- 255 Motor Vehicle Product Liability
- 260 Other Personal Injury

TORTS

- 310 PERSONAL INJURY
 - 315 Airplane Product Liability
 - 330 Assault, Libel & Slander
 - 335 Federal Employees' Liability
 - 340 Marine
 - 345 Marine Product Liability
 - 350 Motor Vehicle
 - 355 Motor Vehicle Product Liability
 - 360 Other Personal Injury
- 342 Personal Injury – Med. Malpractice
 - 345 Personal Injury – Product Liability
 - 346 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY

- 370 Other Fraud
- 371 Truth in Lending
- 380 Other Personal Property Damage
- 395 Property Damage Product Liability

FORFEITURE/PENALTY

- 410 Agriculture
- 420 Other Food & Drug
- 425 Drug Related Seizure of Property 21 USC 861
- 430 Liquor Laws
- 440 R.R. & Truck
- 450 Airline Regs.
- 460 Occupational Safety/Health
- 480 Other

BANKRUPTCY

- 422 Appeal 28 USC 155
- 423 Withdrawal 28 USC 157

PROPERTY RIGHTS

- 429 Copyrights
- 450 Patent
- 490 Trademark

LABOR

- 710 Fair Labor Standards Act
- 720 Labor/Mgmt. Relations
- 730 Labor/Mgmt. Reporting & Disclosure Act
- 740 Railway Labor Act
- 750 Other Labor Litigation

SOCIAL SECURITY

- 801 HIA (1320F)
- 802 Black Lung (923)
- 803 DRW/DRWW (405(g))
- 804 SSD Title XVI
- 806 FSSI (405(g))

FEDERAL TAX SUITS

- 870 Taxes (U.S. Plaintiff or Defendant)
- 871 IRS – Third Party 26 USC 7603

- 400 State Reapportionment
- 410 Antitrust
- 420 Banks and Banking
- 430 Commerce/NCC Rates/Etc.
- 440 Deportation
- 470 Racetrack Influenced and Control Organizations
- 490 Selective Service
- 500 Securities/Commodities/Exchange
- 475 Customer Challenge 12 USC 3410
- 501 Agricultural Acts
- 502 Economic Stabilization Act
- 503 Environmental Matters
- 504 Energy Allocation Act
- 505 Freedom of Information Act
- 506 Appeal of Fee Determination Under Equal Access to Justice
- 508 Constitutionality of State Statutes
- 509 Other Statutory Actions

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND ... CITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

TORT ACTION MOTOR VEHICLE PRODUCT LIABILITY

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
 UNDER F.R.C.P. 23

DEMAND \$

\$250,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII. RELATED CASE(S) (See Instructions):
IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFFP _____ JUDGE _____ MAG. JUDGE _____

04-40242UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSFILED ATTACHMENT #3
CLERKS OFFICE

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) CHRISTOPHER P. CONLIN
v. FORD MOTOR COMPANY

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBER AND NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 750, 791, 828*, 838*, 840*, 850, 894, 892-894, 895, 950.
- X III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 468, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

*Also complete AO 120 or AO 121
for patent, trademark or copyright cases

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC 2403)
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? YES NO

7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)).
OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPTON OR HAMPSHIRE COUNTIES)? -
(SEE LOCAL RULE 40.1(D)).

YES NO

8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES NO

(a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE?

9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? FITCHBURG, MA
01420

10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION; YES NO OR WESTERN SECTION; YES NO

(PLEASE TYPE OR PRINT)

Christopher P. Conlin

ATTORNEY'S NAME _____

ADDRESS _____

TELEPHONE NO. _____

(Category Rev - 3/97)